

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes, absolutely. If a device that allows me to time-shift or move content to different devices I own, within my home, requires a piece of externally controlled technology to operate then this is an unacceptable restriction.

How do the proponents of this standard contend they could create an open architecture for "personal use" when their proposal is entirely about restricting access?

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

Yes. Again, the architecture is entirely out of the hands of consumer. Therefore the consumer's interest will simply never be heard. By having an open architecture and prosecuting copyright offenses with statutes already in existence, then we preserve an architecture for new market opportunities, while allowing for enforcement of property violations. Let's not make up new rules to further enfranchise an existing and powerful market.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Yes - this is entirely the point of the broadcast flag. It is obvious to me that the proponents "long game" is to, over the course of time, radically change our expectations with regards to "fair use". Once licensing of content has become largely the norm, then non-compliant existing equipment can simply be disabled, without the consent of the owner.

Moreover, this also looks like a transparent attempt to cause a massive purchasing cycle on the part of the public.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes, because the architecture is no longer neutral! It is firmly entrenched in the hands of content and equipment developers. An open architecture allows for innovation at all levels - why protect the powerful?

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

As I mentioned earlier, a cynical view is that this triggers a massive wave of consumer purchasing. Even if this were phased in, the obvious and immediate harm is that it comprehensively narrows the playing field to those who already largely dominate the market. This is merely another way in which they get to control change.

Other Comments:

I would strongly encourage our representatives to read Lawrence Lessig's "The Future of Ideas". This should give them a more nuanced and historical view on adopting measures like this that cripple innovation and the development of future markets.